

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 56

Introduced by Senator Dunn
(Principal coauthor: Senator Ducheny)
(Principal coauthor: Assembly Member Jones)
(Coauthors: Assembly Members Benoit and Bogh)

January 12, 2005

An act to add Sections 69613 and 69614 to the Government Code, relating to trial courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 56, as amended, Dunn. Trial courts: judgeships.

Existing law specifies the number of judges of the superior court for each county.

This bill would authorize ~~an additional 50~~ *an unspecified number of* judges of the superior court per year to be appointed by the Governor in the 2005-06, 2006-07, and 2007-08 fiscal years, upon appropriation by the Legislature, to the various ~~counties~~ *county superior courts*, as determined by the Judicial Council. The bill would also authorize up to ~~161~~ *an unspecified number of* subordinate judicial officer positions in eligible superior courts, as determined by the Judicial Council, to be converted to judgeships, according to specified criteria and upon appropriation by the Legislature. The bill would define the term "subordinate judicial officer" for purposes of those provisions and would declare the Legislature's intent to restore an appropriate balance between subordinate judicial officers and judges in enacting those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 69613 is added to the Government Code, to read:

69613. (a) Upon appropriation by the Legislature in the 2005-06 fiscal year, there shall be ~~be-50~~ _____ additional judges of the superior court for appointment by the Governor to the various county superior courts, as determined by the Judicial Council pursuant to uniform criteria for determining the need for additional superior court judges.

(b) Upon appropriation by the Legislature in the 2006-07 fiscal year, there shall be ~~be-50~~ _____ additional judges of the superior court for appointment by the Governor to the various county superior courts, as determined by the Judicial Council pursuant to uniform criteria for determining the need for additional superior court judges.

(c) Upon appropriation by the Legislature in the 2007-08 fiscal year, there shall be ~~be-50~~ _____ additional judges of the superior court for appointment by the Governor to the various county superior courts, as determined by the Judicial Council pursuant to uniform criteria for determining the need for additional superior court judges.

SEC. 2. Section 69614 is added to the Government Code, to read:

69614. (a) It is the intent of the Legislature in enacting this section to restore an appropriate balance between subordinate judicial officers and judges in the trial courts by providing for the conversion, as needed, of subordinate judicial officer positions to judgeships in courts that assign subordinate judicial officers to act as temporary judges. The Legislature finds that these positions must be converted to judgeships in order to ensure that critical case types, including family, probate, and juvenile law matters can be heard by judges.

(b) (1) Upon appropriation by the Legislature, no more than ~~161~~ _____ subordinate judicial officer positions in eligible superior courts, as determined by the Judicial Council pursuant to uniform criteria for determining the need for converting existing subordinate judicial officer positions to superior court judgeships, shall be converted to judgeships as set forth in paragraph (2).

1 (2) A subordinate judicial officer position shall be converted
2 to a judicial position when a vacancy occurs in any subordinate
3 judicial officer position in an eligible superior court and the
4 Judicial Council files notice of the vacancy with the Secretary of
5 State.

6 (3) The provisions of Section 12011.5 of the Government
7 Code shall apply to any appointment to a superior court
8 judgeship converted from a subordinate judicial officer position.

9 (c) For purposes of this section, “subordinate judicial officer”
10 means an officer appointed under the authority of Section 22 of
11 Article VI of the California Constitution. This section shall not
12 apply to a subordinate judicial officer established by Section
13 4251 of the Family Code.

14 (d) It is the intent of the Legislature that no subordinate
15 judicial officer shall involuntarily lose his or her position solely
16 due to operation of this section. This section does not change the
17 employment relationship between subordinate judicial officers
18 and the trial courts established by law.

19 (e) This section does not limit the authority of the Governor to
20 appoint a person to fill a vacancy pursuant to subdivision (c) of
21 Section 16 of Article VI of the California Constitution.

22 (f) This section does not entitle a court to an increase in
23 funding.

24 (g) The operation of this section shall neither increase nor
25 decrease the number of judicial and subordinate judicial officer
26 positions and court support positions for which a county is
27 responsible by law.